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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,184	09/11/2003	Jared Kirkman	VTN630NP	5760

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EXAMINER

PHAM, MICHAEL

ART UNIT PAPER NUMBER

2167

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,184	KIRKMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael D. Pham	2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/2003</u> | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. Claims 1 - 9 have been examined.
2. Claims 1 - 9 are pending.
3. Claims 1 - 9 are rejected as detailed below.

***Priority***

Application has claimed domestic priority to U.S. provisional application 60/415260.

Accordingly, the application has been examined with an effective filing date of 09/30/2002.

***Drawings***

The drawings are objected to because they fail to show necessary textual labels of features or symbols in figures 1 and 3 as described in the specifications. For example, placing a label “data unit” with elements 12a of figure 1, or “indexer” with element 16 or “data unit selector” with element 10, would give the viewer necessary detail to fully understand this element at a glance.

A descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification.

Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83 37 CFR 1.84(n)(o) is recited below:

(n) *Symbols*. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if

they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) *Legends*. Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention as a whole must produce a useful, concrete, and tangible result. Even though the claim language recited “a presentation system it fails to recite any hardware to make it tangible.

If claims 7 or 8 are incorporated into claim 1 it would resolve the problem.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention as a whole must produce a useful, concrete, and tangible result. In claim 9 the step of providing access by the user from a single user action to the presentation index for a duration of the presentation does not provide a useful result. While there is still a secondary presentation presented during a temporary suspension and then automatically returning to the presentation itself there does not appear to be a useful result for the data manipulation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,249,281 by Chen et. al (hereafter Chen).

**Claim 1:**

**A presentation system, comprising:**

**a plurality of data units [col. 5 lines 24-26], including a plurality of data types[col. 4 lines 17-22, audio video data types.];**

**a selector that provides access to said plurality of data units and that receives selection, from a user in a single user action, of ones of said plurality of data units[Col. 4 lines 21-26, user action may select];**

**an indexer communicatively connected to said selector, wherein said indexer indexes the user selected ones of said plurality of data units into a primary index to form a presentation [Col. 5 lines 25-30, presentations are indexed for user selection.];**

**a launcher, wherein selection of said launcher by the user transfers the primary index to a final index accessible to the user throughout the presentation, and wherein selection of said launcher by the user launches the presentation [Col. 5 lines 35-41];**

**at least one secondary index accessible to the user throughout the presentation and comprising a plurality of secondary data units [Col. 5 lines 3-10], wherein selection by the user of an indicator transfers the presentation from the final index to the secondary index, and wherein, upon selection of ones of the secondary data units, the selected ones of the secondary data units are presented in the presentation, and wherein, upon completion of presenting the selected ones of the secondary data units, the presentation returns to the final index [Col. 7 lines 19-36, commercial slides (i.e. secondary index) and returns to presentation after commercial slides are over.].**

**Claim 2:**

**The presentation system of claim 1, wherein the final index comprises a plurality of sub-indexes, wherein said at least one secondary index is selected from the plurality of sub-indexes [col. 7 lines 19-41, presentation (i.e. a final index) contains commercial slides (i.e. secondary/sub indexes) and user selects to view a commercial slides.].**

**Claim 3:**

**The presentation system of claim 1, wherein the accessibility to the final index throughout the presentation comprises a split-screen of the presentation [figure 5].**

**Claim 4:**

**The presentation system of claim 1, wherein said secondary index comprises a departure reference to a point of departure from the final index [col. 7 lines 36-42, must contain a reference back to presentation slides.].**

**Claim 5:**

**The presentation system of claim 1, wherein said selector comprises programming associated with a processor [figure 2 and col. 3 lines 21-40].**

**Claim 6:**

**The presentation system of claim 1, wherein each of the data units comprises at least one selected from the group consisting of textual information, graphical information, video information, audio information, and combinations thereof [figure 7 and col. 4 lines 17-26].**

**Claim 7:**

**The presentation system of claim 1, further comprising a storage for the presentation after the presentation is indexed by said indexer [col. 5 lines 24-26].**

**Claim 8:**

**The presentation system of claim 1, wherein said storage comprises at least one selected from the group consisting of a cache, a RAM, a ROM, a hard disk, a floppy disk, and a remote storage [figure 2 and col. 3 lines 21-40].**

**Claim 9:**

**A presentation method comprising:**

**granting a user access to a universal data unit list [col. 6 lines 61-67, user must have a subscription to access the data];**

**receiving a plurality of selections from the universal data unit list from the user [col. 6 lines 32-40, user selects from list of topics];**

**indexing the selected data units into a presentation index [col. 5 lines 25-30, presentations are indexed for user selection];**

**receiving a presentation launch instruction from the user [col. 5 lines 31-39, user may view and navigate through a presentation];**

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**launching the presentation in accordance with said receiving launch instruction**[col. 5 lines 31-39, switching to viewing the presentation, launches the presentation.];

**providing access by the user from a single user action to the presentation index for a duration of the presentation** [col. 6 lines 12-19, user selects a slide during presentation by mouse click (i.e. user action to the presentation index during the presentation)];

**temporarily suspending presentation of the presentation index in favor of a secondary presentation from a sub-index, in accordance with a received user suspension instruction** [col. 7 lines 19-36, commercial slides (i.e. secondary presentation) is shown while the presentation is temporarily not shown until commercial slides are finished.]; and

**automatically returning to the presentation from the secondary presentation following completion of said temporarily suspending** [col. 7 lines 19-36, after commercial slides are finished the presentation slides resume.].

### ***Conclusion***

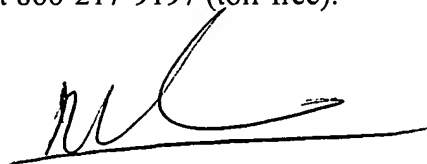
The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571) 272-3924. The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham  
Art Unit 2167  
Examiner  
03/08/2006



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